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14 Attorneys for the Creditors, Ravin Skondin and Daniel Franklin.

15
16 THE UNITED STATES BANKRUPTCY COURT
17
18 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
19
20 SAN FRANCISCO DIVISION
21

22 In re:

23 PG&E CORPORATION,

24 -and-

25 In re:

26 PACIFIC GAS AND ELECTRIC
27 COMPANY,

28 Debtors.

- 29 ☐ Affects PG&E Corporation
30 ☐ Affects Pacific Gas and Electric Company
31 ☒ Affects both Debtors

32 * All papers shall be filed in the lead case, No.
33 19-30088(DM)

Case Nos. 19-30088 (DM)

Chapter 11

**STIPULATION RESOLVING
OBJECTIONS TO CONFIRMATION OF
DEBTORS' AND SHAREHOLDER
PROPOSERS' JOINT CHAPTER 11
PLAN OF REORGANIZATION, DATED
MARCH 16, 2020, FILED BY RAVIN
SKONDIN AND DANIEL FRANKLIN;
AND FOR RELIEF FROM THE
AUTOMATIC STAY**

RELATED DOCKET NOS.: 7295, 7312,
7335, 7337, and 7764

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1 This stipulation ("Stipulation") is entered into by and amongst (i) PG&E Corporation
2 ("HoldCo") and Pacific Gas and Electric Company ("Utility"), as debtors and debtors in
3 possession (collectively the "Debtors") in the above-captioned chapter 11 cases (the "Chapter 11
4 Cases"), (ii) creditor Ravin Skondin ("Ms. Skondin"), an individual, and (iii) creditor Daniel
5 Franklin, an individual ("Mr. Franklin", and collectively with Ms. Skondin, the "Objecting
6 Parties"). The Debtors and the Objecting Parties shall hereinafter collectively be referred to as
7 the "Parties." The Parties hereby stipulate and agree as follows:

8 **RECITALS**

9 A. On October 25, 2018, Ms. Skondin, by and through Dreyer Babich Buccola Wood
10 Campora ("Dreyer Babich"), filed a "Complaint for Damages" against the Debtors in the
11 Superior Court of the State of California, in and for the County of San Francisco ("Superior
12 Court"), which was assigned case number CGC-18-570858 (the "Skondin State Court Action").

13 B. On July 7, 2017, Mr. Franklin, by and through Dreyer Babich, filed a "Complaint for
14 Personal Injuries" against the Utility and others in the Superior Court, which was assigned case
15 number CGC-17-559986 (the "Franklin State Court Action").

16 C. On January 29, 2019, the Debtors filed petitions for relief under chapter 11 of title 11 of
17 the United States Code (the "Bankruptcy Code"), initiating the Chapter 11 Cases which are
18 pending before the United States Bankruptcy Court for the Northern District of California (San
19 Francisco Division) (the "Bankruptcy Court").

20 D. Since the commencement of the Chapter 11 Cases, the Skondin State Court Action and
21 the Franklin State Court Action have been stayed against the Debtors pursuant to the automatic
22 stay under section 362 of the Bankruptcy Code (the "Automatic Stay").

23 E. On September 25, 2019, Ms. Skondin timely filed Proofs of Claim against the Debtors in
24 these Chapter 11 Cases, based on the claims asserted in the Skondin State Court Action (the
25 "Skondin Proofs of Claim"): (1) Proof of Claim No. 9825 against Holdco, and (2) Proof of
26 Claim No. 9819 against the Utility. On October 7, 2019, Ms. Skondin filed Proof of Claim No.
27 17172 against HoldCo, which amended Proof of Claim No. 9825 (the "Skondin Amended
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1 HoldCo Proof of Claim”), and Proof of Claim No. 17143 against the Utility, which amended
2 Proof of Claim No. 9819 (the “Skondin Amended Utility Proof of Claim”, and collectively with
3 Skondin Amended HoldCo Proof of Claim, the “Skondin Amended Proofs of Claim”).

4 F. On September 25, 2019, Mr. Franklin timely filed a Proof of Claim in these Chapter 11
5 Cases against the Utility based on the claims asserted in the Franklin State Court Action, Proof
6 of Claim No. 9829 (the “Franklin Proof of Claim”). On October 7, 2019, Mr. Franklin filed
7 Proof of Claim No. 17096 against the Utility, which amended the Franklin Proof of Claim (the
8 “Franklin Amended Proof of Claim”).

9 G. On March 16, 2020, the Debtors filed the Debtors’ and Shareholder Proponents’ Joint
10 Chapter 11 Plan of Reorganization, dated March 16, 2020 [Dkt, No. 6320] (as it may be
11 amended, modified or supplemented from time to time, and together with any exhibits or
12 schedules thereto, the “Plan”).

13 H. On May 15, 2020, Ms. Skondin filed a timely Objection to confirmation of the Plan [Dkt.
14 No. 7295] (the “Objection”). On May 15, 2020, Mr. Franklin filed a Joinder in the Objection
15 [Dkt. No. 7312] (the “Joinder”).

16 I. Ms. Skondin and Mr. Franklin also filed joinders in objections to Plan confirmation filed
17 by other creditors and interested parties [Dkt. Nos. 7335 and 7337] (such joinders, collectively
18 with the Objection and the Joinder, the “Objections”).

19 J. During the session of Confirmation hearing held June 3, 2020, Bankruptcy Judge Dennis
20 Montali directed counsel for the Debtors to contact counsel for the Objecting Parties to attempt
21 and resolve the Objecting Parties’ remaining objections to confirmation of the Plan.

22 K. On June 3, 2020, Ms. Skondin filed a Motion for Relief from the Automatic Stay to
23 Permit the Courts of the State of California to Conduct a Jury Trial and Related Pretrial and Post
24 Trial Matters in Connection with Creditor, Ravin Skondin’s Complaint for Damages, or in
25 Alternative, for Abstention [Dkt. No. 7764] (the “Skondin Stay Relief Motion”), along with
26 supporting documents [Dkt Nos. 7765, 7767, 7768, and 7769]. The Skondin Stay Relief Motion
27 is scheduled to be heard on June 24, 2020, at 10:00 A.M.

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1 L. Mr. Franklin is in the process of preparing his motion for relief from Automatic Stay.

2 M. Counsel for the Debtors and counsel for the Objecting Parties spoke on June 4, 2020,
3 regarding the Objections, and have agreed to resolve the Objections and the Skondin Stay Relief
4 Motion as set forth herein.

5 **NOW, THEREFORE, IT HEREBY IS STIPULATED AND AGREED BY AND**
6 **AMONGST THE PARTIES, THROUGH THE UNDERSIGNED COUNSEL, AND THE**
7 **PARTIES JOINTLY REQUEST THE COURT TO ORDER, THAT:**

8 1. This Stipulation shall be effective upon entry of an Order by this Court approving it (the
9 "Stipulation Effective Date"), and resolves the Objections; and

10 2. The Skondin Amended HoldCo Proof of Claim shall be deemed the operative Proof of
11 Claim with respect to claims asserted by Ms. Skondin against HoldCo. The Skondin Amended
12 Utility Proof of Claim shall be deemed the operative Proof of Claim with respect to claims
13 asserted by Ms. Skondin against the Utility. The Skondin Amended Proofs of Claim shall be
14 resolved as provided herein; and

15 3. The Franklin Amended Proof of Claim shall be deemed the operative Proof of Claim with
16 respect to claims asserted by Mr. Franklin against the Debtors, and shall be resolved as provided
17 herein; and

18 4. On the Stipulation Effective Date, the Automatic Stay shall be modified, effective
19 immediately, to allow Ms. Skondin to have her claims against the Debtors, as set forth in the
20 Skondin Amended Proofs of Claim, heard, determined, and liquidated by the Superior Court in
21 the Skondin State Court Action, including without limitation the completion of pretrial
22 proceedings, trial, post-trial motions, and any appellate proceedings in the Skondin State Court
23 Action, but not to permit enforcement of any judgment, which shall be satisfied under the Plan
24 pursuant to the treatment provided for general unsecured creditors in the Plan; and

25 5. To the extent the prosecution of the Skondin State Court Action results in a liquidated
26 settlement or final judgment, the Skondin Amended Utility Proof of Claim and/or the Skondin
27 Amended HoldCo Proof of Claim shall be allowed against the Utility and/or HoldCo,
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1 respectively, as the case may be, in the amount of any such settlement or judgment, and shall be
2 paid in full as a general unsecured claim pursuant to the treatment provided for Class 4A and/or
3 4B of the Plan (provided, however, should both of the Skondin Amended Proofs of Claim be
4 allowed, Ms. Skondin's recovery must be consistent with the rule against double recovery for
5 the same tort, *see Carr v. Cove*, 33 Cal. App. 3d 851, 854 (Cal. Ct. App. 1973)); and

6 6. On the Stipulation Effective Date, the Automatic Stay shall be modified, effective
7 immediately, to allow Mr. Franklin to have his claims against the Debtors, as set forth in the
8 Franklin Amended Proof of Claim, heard, determined, and liquidated by the Superior Court in
9 the Franklin State Court Action, including without limitation the completion of pretrial
10 proceedings, trial, post-trial motions, and any appellate proceedings in the Franklin State Court
11 Action, but not to permit enforcement of any judgment, which shall be satisfied under the Plan
12 pursuant to the treatment provided for general unsecured creditors in the Plan; and

13 7. To the extent the prosecution of the Franklin State Court Action results in a liquidated
14 settlement or final judgment, the Franklin Amended Proof of Claim shall be allowed against the
15 Utility in the amount of any such settlement or judgment, and shall be paid in full as a general
16 unsecured claim pursuant to the treatment provided for Class 4B of the Plan; and

17 8. This Stipulation shall survive confirmation of the Plan; the Effective Date of the Plan;
18 and if the Plan becomes null and void pursuant to Section 9.5 of the Plan; and

19 9. On the Stipulation Effective Date, the Objections (Dkt. Nos. 7295, 7312, 7335, and 7337)
20 shall be deemed withdrawn and resolved (provided however if the Plan is not confirmed or
21 becomes null and void pursuant to Section 9.5 of the Plan and another plan is filed, the Objecting
22 Parties reserve the right to object to any such plan and disclosure statement pertinent thereto);
23 and

24 10. On the Stipulation Effective Date, the Skondin Stay Relief Motion (Dkt. No. 7764) shall
25 be deemed resolved, and the hearing regarding the Skondin Stay Relief Motion shall be vacated;
26 and
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1 11. Upon the occurrence of the Stipulation Effective Date, Mr. Franklin shall refrain from
2 filing a motion for relief from the Automatic Stay, as being unnecessary; and

3 12. On the Stipulation Effective Date, Prime Clerk LLC, the court appointed claims and
4 noticing agent in these Chapter 11 Cases, is authorized and directed to update the official claims
5 register in these Chapter 11 Cases to reflect the terms of this Stipulation.

6 13. The Bankruptcy Court shall retain sole and exclusive jurisdiction to hear and determine
7 any and all disputes or controversies arising from or related to the implementation, interpretation,
8 or enforcement of this Stipulation or the Order approving this Stipulation; and

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1 14. Each attorney whose signature appears below represents and warrants that he or she is
2 authorized to enter into the instant Stipulation on behalf of his or her respective client; and

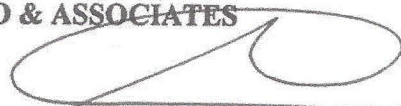
3 15. Lodged concurrently herewith is a proposed Order. It is respectfully requested that the
4 Court enter said proposed Order approving the instant Stipulation.
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6 Dated: June 17, 2020

7 Respectfully submitted,
8 **DREYER BABICH BUCCOLA WOOD**
9 **CAMPORA, LLP**

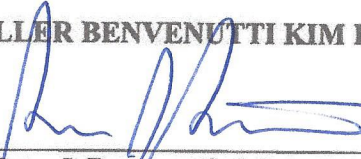
10 By: 
11 Larry Q. Phan, Attorneys for
12 Ravin Skondin and Daniel Franklin

13 **PINO & ASSOCIATES**


14 By: 
15 Estela O. Pino, Attorneys for Ravin Skondin
16 and Daniel Franklin.

17 Dated: June 17, 2020

18 **KELLER BENVENUTTI KIM LLP**

19 By: 
20 Peter J. Benvenutti, Attorneys
21 for Debtors and Debtors in Possession.

22 **WEIL, GOTSHAL & MANGES LLP**

23 By: 
24 Matthew Goren, Attorneys for
25 Debtors and Debtors in Possession.
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